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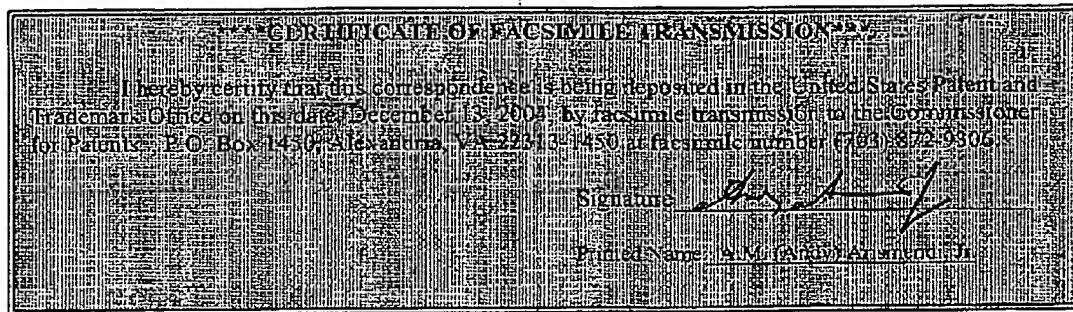
## FAX COVER SHEET

TO	Commissioner for Patents
COMPANY	USPTO
FAX NUMBER	17038729306
FROM	Andy Arismendi
DATE	2004-12-14 02:05:20 GMT
RE	A/N: 09/269,518

### COVER MESSAGE

Second Status Inquiry w/ copies of:  
(1) Official Filing Receipt  
(2) Letter from Jenkens & Gilchrist  
(3) Copy of Decision dated October 7, 2003  
(4) Copy of Status Inquiry filed August 11, 2004  
with copy of Declaration & Power of Attorney signed May 30, 2001 filed June 15, 2001 & copy of USPTO fax receipt confirmation dated August 11, 2001.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF  
 David FENNER, et al. § Fax No. 703-872-9306  
 APPLICATION NO.: 09/269,518 § GROUP ART UNIT: 3745  
 371(c) Date: June 15, 2001 § EXAMINER: unknown  
 TITLE: Fan Rotor § ATTY. DKT. NO.: 34703.00006

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

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SECOND STATUS INQUIRY

Dear Sir:

I am A.M. (Andy) Arismendi, Jr., Reg. No. 31,715. Please provide the status of the above-identified application and the identity of the Examiner to whom it has been assigned for examination.

I have not received any additional communication since the mailing of the Official Filing Receipt on October 16, 2003, which was mailed to Jenkens & Gilchrist (copy transmitted herewith) probably because the application was initially filed through them.

I have received no response to the Status Inquiry filed August 11, 2004, via fax to 703-872-9306. A copy of that Status Request is transmitted herewith with the USPTO fax receipt confirmation.

Note that the PCT application corresponding to this application was being handled under my supervision while I was at Jenkens & Gilchrist. Jenkens & Gilchrist filed the US national phase application without an executed Declaration and Power of Attorney. The response to the Notice of Missing Requirements filed by Jenkens & Gilchrist was not mated with the application and I filed a Petition to Withdraw the Notice of Abandonment. A new Notice of Missing Requirements was issued as a result of granting the Petition and I filed a response thereto with an executed Declaration and Power of Attorney on June 15, 2001, listing myself and two other attorneys, with a correspondence address of Lundein & Arismendi, LLP. In response to a Status Inquiry

Second Status Inquiry  
 Page 1 of 3

dated August 1, 2003, the response filed June 15, 2001, had not been mated with the application. Per suggestion of Paralegal Specialist Nguyen Ngoc-Ho of the PCT Legal Office, I filed a Petition under 37 CFR 1.181, filed August 13, 2003, to accept copies of that response with a copy of the postcard that was filed June 15, 2001. A copy of the Decision (dated October 7, 2003) on that petition accompanies this status request.

I am listed in the Power of Attorney filed on June 15, 2001, executed on May 30, 2001 (Copy included with the copy of the Status Request filed August 11, 2004, faxed herewith). Even though the Power of Attorney listed the correspondence address to be that of Lundeen & Arismendi, to my attention, the Official Filing Receipt was forwarded to Jenkens & Gilchrist. Jenkens & Gilchrist then forwarded the Official Filing Receipt to my attention at Lundeen & Arismendi, LLP, which in turn forwarded it to me at my current location (copy of Jenkens & Gilchrist letter transmitted herewith).

I am no longer with Lundeen & Arismendi, LLP (now Lundeen & Dickinson, LLP). However, I am still responsible for the prosecution of this application. The Power of Attorney is not to a firm, but to the attorneys listed therein, of which I am one. The fact that I am handling the prosecution of this application can be verified through Lundeen & Dickinson, LLP.

#### CHANGE OF CORRESPONDENCE ADDRESS

As noted in the Status Inquiry filed on August 1, 2003 (to PCT Legal Office), and the Status Inquiry filed August 11, 2004 (to Centralized fax no.), please send any future correspondence regarding this application to:

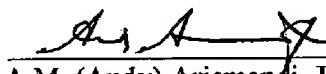
A.M.(Andy) Arismendi, Jr.  
A.M.(ANDY) ARISMENDI, JR., PC  
P.O. Box 35512  
Houston, TX 77235-5512

Phone: 713-256-3773  
Fax: 281-754-4386  
Customer No. 37,086

Should you have any questions or require additional information, please feel free to contact me at (713) 256-3773.

Respectfully submitted by,

Date: 12/13/2004

  
A.M. (Andy) Arismendi, Jr.  
Reg. No. 31,715

A.M. (Andy) Arismendi, Jr.  
A.M.(ANDY) ARISMENDI, JR., PC  
P.O. Box 35512  
Houston, TX 77235-5512

Phone: 713-256-3773  
Fax: 281-754-4386

Attachments: Listed on following page

Second Status Inquiry  
Page 2 of 3

**ATTACHMENTS**

1. Copy of Official Filing Receipt mailed October 16, 2003.
2. Copy of letter from Jenkens & Gilchrist dated October 23, 2003, forwarding Official Filing Receipt to my attention at Lundeen & Arismendi, LLP.
3. Copy of Decision, dated October 7, 2003, on Petition Under 37 CFR 1,181 filed October 1, 2003.
4. Copy of Status Inquiry filed August 11, 2004, with:
  - (a) Copy of Declaration and Power of Attorney executed may 30, 2001 and filed June 15, 2001, with the response to the Notice of Missing Requirements (reference copy of Decision above); and
  - (b) Copy of USPTO fax receipt dated August 11, 2004.

Second Status Inquiry  
Page 3 of 3

Page 1 of 2

COPY

## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 Washington, DC 20591-1450  
 www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE RECD	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
09/269,518	06/15/2001	3745	550	34703-00006	1	20	2

Jenkins & Gilchrist  
 3200 Fountain Place  
 1445 Ross Avenue  
 Dallas, TX 75202-2799

INTELLECTUAL PROPERTY

OCT 23 2003

JENKENS &amp; GILCHRIST

CONFIRMATION NO. 1149

FILING RECEIPT



OC000000011038240

Date Mailed: 10/16/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-748-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

David Fenner, Southampton, UNITED KINGDOM;  
 Christopher Lack, Surrey, UNITED KINGDOM;

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/GB97/02940 10/27/1997

## Foreign Applications

If Required, Foreign Filing License Granted: 10/14/2003

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

## Title

Fan rotor

## Preliminary Class

TRANSFERRED

REVIEWED BY KH

Page 2 of 2

415

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

Page 1 of 2  
*Copy*

## UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/269,518	David Fenner	34703-00006
INTERNATIONAL APPLICATION NO.		PCT/GB97/02940
I.A. FILING DATE		PRIORITY DATE
10/27/1997		

Jenkins & Gilchrist  
3200 Fountain Place  
1445 Ross Avenue  
Dallas, TX 75202-2799

CONFIRMATION NO. 1149  
371 ACCEPTANCE LETTER

  
\*OC000000011036241\*

Date Mailed: 10/16/2003

**NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495**

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

06/15/2001	06/15/2001
DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and	DATE OF RECEIPT OF ALL 35 U.S.C. 371
(c)(4) REQUIREMENTS	REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE "FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Indication of Small Entity Status
- Copy of the International Application filed on 06/15/2001
- Copy of the International Search Report filed on 06/15/2001
- Copy of IPE Report filed on 06/15/2001
- Preliminary Amendments filed on 06/15/2001
- Oath or Declaration filed on 06/15/2001
- Small Entity Statement filed on 06/15/2001
- Copy of references cited in ISR filed on 06/15/2001
- U.S. Basic National Fees filed on 06/15/2001
- Priority Documents filed on 06/15/2001
- Power of Attorney filed on 06/15/2001

Page 2 of 2

cop7

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

---

LAMONT M HUNTER  
Telephone: (703) 305-3686

**PART 1 - ATTORNEY/APPLICANT COPY**

FORM PCT/DO/EO/S03 (371 Acceptance Notice)

Copy

# Jenkens & Gilchrist

A PROFESSIONAL CORPORATION

112 EAST PECAN  
SUITE 900  
SAN ANTONIO, TEXAS 78205

Alan R. Thiele  
(210) 246-5657  
athiele@jenkens.com

(210) 246-5000  
FACSIMILE (210) 246-5999  
[www.jenkens.com](http://www.jenkens.com)

October 27, 2003

Mr. Andy M. Arismendi, Jr.  
Lundein & Arismendi  
P.O. Box 131144  
Houston, TX 77219-1144

RE: U.S. Patent App. No. 09/269,518 filed 6/15/2001 for "Fan Rotor"  
(Our Ref. 34703-00006)

Dear Mr. Arismendi:

Further to our July 27, 1999 correspondence to you, enclosed is an additional document received by this office after the corresponding file was forwarded to your attention for future handling on behalf of Withers & Rogers:

Official filing receipt from the U.S. Patent Office confirming acceptance of the application filed on June 15, 2001 for the utility patent application.

Please provide the U.S. Patent Office immediately with a Power of Attorney or a confirmation of the new contact address information for this client's I.P. matters, so that all further correspondence from them is directed to your attention.

We have not entered any of the deadlines on our docketing system, since this Firm is no longer handling files on this client's behalf.

Cordially,

Alan R. Thiele

ART:vjd  
Enclosure

SANANTONIO 401456v1 34703-00006



07 OCT 2001

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P.O. Box 145  
ALEXANDRIA, VA 22313-145  
www.uspto.gov

A.M. Arismendi, Jr.  
Lundein & Arismendi, L.L.P.  
P.O. Box 131144  
Houston, TX 77219-1144

In re Application of FENNER et al  
U.S. Application No.: 09/269,518  
PCT Application No.: PCT/GB97/02940  
Int. Filing Date: 27 October 1997  
Priority Date Claimed: 28 October 1996  
Attorney Docket No.: 34703.00006  
For:

**DECISION**

This is in response to applicant's "Petition Under 37 CFR § 1.181" filed 01 October 2003.

**BACKGROUND**

On 27 October 1997, applicant filed international application PCT/GB97/02940, which claimed priority of an earlier United Kingdom application filed 28 October 1996. A copy of the international application was communicated to the USPTO from the International Bureau on 07 May 1998. A Demand for international preliminary examination, in which the United States was elected, was filed prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired on 28 April 1999.

On 02 April 1999, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 15 March 2001, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 15 June 2001, applicant purportedly filed an executed declaration.

On 01 October 2001, applicant filed the present petition under 37 CFR 1.181 including a copy of a return postcard receipt.

Application Number: 09/269,518

Copy

-2-

DISCUSSION

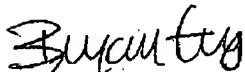
The evidence of record is sufficient to establish that the declaration was originally filed on 15 June 2001. Specifically, the copy of the return postcard, which includes a "Declaration" in its itemized contents and which bears a USPTO date stamp of 15 June 2001, serves as *prima facie* evidence that the declaration was received by the USPTO on 15 June 2001.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

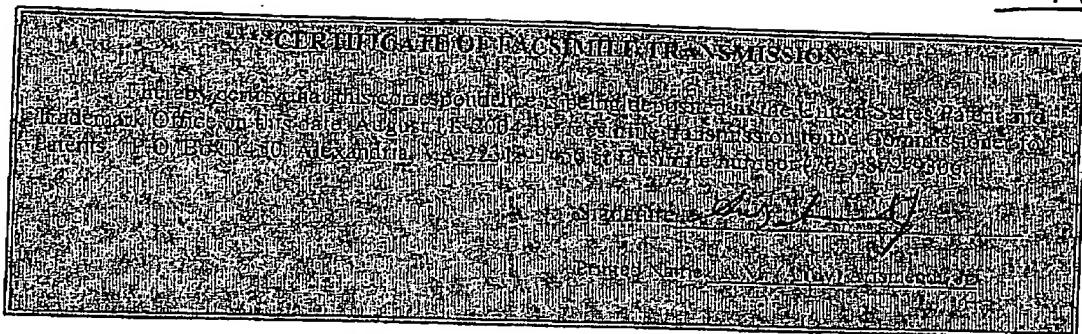
The application has an International Filing Date under 35 U.S.C. 363 of 27 October 1997, and a date under 35 U.S.C. 371(c) of 15 June 2001.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



Bryan Tung  
PCT Legal Examiner  
PCT Legal Office

Telephone: 703-308-6614  
Facsimile: 703-308-6459



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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF

David FENNER, et al.

APPLICATION NO.: 09/269,518

371(c) Date: June 15, 2001

TITLE: Fan Rotor

Fax No. 703-872-9306

GROUP ART UNIT: 3745

EXAMINER: unknown

ATTY. DKT. NO.: 34703.00006

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATUS INQUIRY**

Dear Sir:

Please provide the status of the above-identified application and the identity of the Examiner to whom it has been assigned for examination. We have not received any additional communication since the mailing of the Official Filing Receipt on October 16, 2003.

I am A.M. (Andy) Arismendi, Jr., Reg. No. 31,715. I am listed in the Power of Attorney filed on June 15, 2001, executed on May 30, 2001 (Copy attached).

**CHANGE OF CORRESPONDENCE ADDRESS**

As noted in the Status Inquiry filed on August 1, 2003, please send any future correspondence regarding this application to:

A.M.(Andy) Arismendi, Jr.  
A.M.(ANDY) ARISMENDI, JR., PC  
P.O. Box 35512  
Houston, TX 77235-5512

Phone: 713-256-3773  
Fax: 281-754-4386

Customer No. 37,086

cont

I am no longer with Lundeen & Arismendi, LLP (now Lundeen & Dickinson, LLP). However, I am still responsible for the handling of this application.

Should you have any questions or require additional information, please feel free to contact me at (713) 256-3773.

Respectfully submitted by,

Date: 08/11/2004



A.M. (Andy) Arismendi, Jr.  
Reg. No. 31,715

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